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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,933	09/29/2003	Fred Gehrung Gustavson	YOR920030168US1	8292

48150 7590 06/20/2007  
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VIENNA, VA 22182-3817

EXAMINER
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DO, CHAT C

ART UNIT	PAPER NUMBER
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2193

MAIL DATE	DELIVERY MODE
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06/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/671,933

Applicant(s)

GUSTAVSON ET AL.

Examiner

Chat C. Do

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02/27/07; 03/19/07; 05/10/07; 05/21/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4-6, 10, 13-15, 18, 19 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-6, 10, 13-15, 18, 19 and 26-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                                  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/27/2007; 05/03/2007</u> . | 6) <input type="checkbox"/> Other: _____   |

### **DETAILED ACTION**

1. This communication is responsive to Amendment and Supplemental Amendment filed 03/19/2007, 05/10/2007, and 05/21/2007 respectively.
2. Claims 1, 4-6, 10, 13-15, 18-19, and 26-28 are pending in this application. Claims 1, 10, 15, and 18 are independent claims. In Amendment, claims 2-3, 7-9, 11-12, 16-17, and 20-25 are cancelled and claims 26-28 are newly added. This Office Action is made final.

#### ***Specification***

3. The disclosure is objected to because of the following informalities:

The applicant is advised to incorporate the term "machine-readable medium" in specification for clarification.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1, 4-6, 10, 13-15, 18-19, and 26-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 4-6, 10, 13-15, 18-19, and 26-28 cite a method and apparatus for converting a triangular packed data into a rectangular packed data for processing in

accordance with a predetermined algorithm. In order for claims to be statutory, claims must either include a practical/physical application or a concrete, useful, and tangible result. However, claims 1, 4-6, 10, 13-15, 18-19, and 26-28 merely disclose steps/components for converting a triangular packed data into a rectangular packed data for processing without further disclosing a practical/physical application or a useful and tangible result since all the claims appear to preempt every substantial practical application of the idea embodied by the claim and there is nothing in the claims that breathes sufficient life and meaning into the preamble so as to limit it to a particular practical application rather than being so broad and sweeping as to cover every substantial practical application of the idea embodied therein. Therefore, claims 1, 4-6, 10, 13-15, 18-19, and 26-28 are directed to non-statutory subject matter.

#### ***Allowable Subject Matter***

6. Claims 1, 4-6, 10, 13-15, 18-19, and 26-28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 101 set forth in this Office action.

#### ***Response to Arguments***

7. Applicant's arguments filed 03/19/2007, 05/10/2007, and 05/21/2007 have been fully considered but they are not persuasive.

a. The applicant argues in page 14 dated 03/19/2007 first and second paragraph for claims rejected under 35 U.S.C. 101 that the claims do have the practical application and

tangible result since it permits a reduction in memory space for the data and an improvement in calculating the matrix operation.

The examiner respectfully submits that the reduction in memory is an intended use of the method of converting to full-packed structured data. It is not a necessary specific practical application of the method. Further, the improvement in calculating the matrix operation is the benefit of the method. It is not a practical application nor tangible final result of calculation. In general, the claims are drafted so broadly to preempt every substantial practical application of the idea embodied by the claim which is converting the triangular matrix into the rectangular matrix for processing and there is nothing in the claims that breathes sufficient life and meaning into the preamble so as to limit it to a particular practical application rather than being so broad and sweeping as to cover every substantial practical application of the idea embodied therein.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

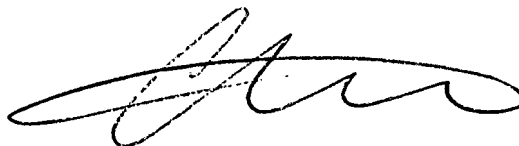
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chat C. Do whose telephone number is (571) 272-3721. The examiner can normally be reached on M => F from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chat C. Do  
Examiner  
Art Unit 2193

June 13, 2007

A handwritten signature in black ink, appearing to be 'Chat C. Do', written in a cursive style.